

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>JOHN ALLEN STEWART, JR., #301161</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>CIVIL ACTION NO. 1:07CV1172-LG-JMR</b>
	§	
<b>HARRISON COUNTY SHERIFF’S</b>	§	
<b>DEPARTMENT, GEORGE PAYNE, JR.,</b>	§	
<b>HEALTH ASSURANCE LLC, and DR.</b>	§	
<b>UNKNOWN COMPTON</b>	§	<b>DEFENDANTS</b>

**ORDER ADOPTING REPORT AND RECOMMENDATION**

**BEFORE THE COURT** is the Report and Recommendation [87] entered by Chief United States Magistrate Judge John M. Roper. Judge Roper recommends that the Motion for Qualified Immunity [67] filed by George Payne, Jr., the Motion for Summary [62] filed by Health Assurance, LLC, and the Motion for Summary Judgment [64] filed by George Payne, Jr., and Harrison County Sheriff’s Department, should be granted and that the plaintiff’s Complaint should be dismissed with prejudice.<sup>1</sup>

The plaintiff, John Allen Stewart, was advised that he must file any objections to Judge Roper’s recommendations within ten days of being served with a copy of the Report and Recommendation. The Court record reveals that Stewart has not filed an objection to the Report and Recommendation.

Where no party has objected to the Magistrate Judge’s report and recommendation, the Court need not conduct a *de novo* review of it. See 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings

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<sup>1</sup> Harrison County joined in the Motions for Summary Judgment filed by the other parties. Dr. “Unknown” Compton has not been served with process and has not made an appearance in the case.

and recommendations to which objection is made.”). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

Having conducted the required review, the Court finds that Judge Roper’s Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendation entered by Chief United States Magistrate Judge John M. Roper should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Report and Recommendation [87] entered by Chief United States Magistrate Judge John M. Roper, be, and the same hereby is, adopted as the finding of this Court. This lawsuit is **DISMISSED**.

**IT IS FURTHER ORDERED AND ADJUDGED** that the Motion for Qualified Immunity [67] filed by George Payne, Jr., the Motion for Summary [62] filed by Health Assurance, LLC, and the Motion for Summary Judgment [64] filed by George Payne, Jr., and Harrison County Sheriff’s Department should be **GRANTED**.

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of February, 2009.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE